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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

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March 21, 2013

The Honorable Jeff Sessions  
Russell Senate Office Building 326  
United States Senate  
Washington, DC 20510

Dear Jeff:

I understand that you organized a letter to me from some of the Republican Senators on the Judiciary Committee. Since it was distributed to the press and you went to the Senate press gallery to talk about it before I received it, I am not sure whether you really meant your "open letter" for me, for the group of Senators meeting with Senator McCain, or just for the press. You know that I am always available to you if you have a concern and that, as Chairman, I have always treated you and all members of the Committee fairly. I have gone out of my way to protect the rights of the minority on the Committee despite the treatment Democratic Senators received preceding my chairmanship.

With regard to comprehensive immigration reform, I think that you know I have long supported it. I supported it when President Reagan signed it. I supported it when President Bush proposed it in 2006 and again in 2007. I support it now. I have made no secret that I wanted comprehensive immigration reform to be our legislative priority this year. I said so in my agenda speech at the Georgetown University Law Center more than two months ago. I reiterated that at our first immigration hearing in February. I reaffirmed it in my statement at our Wednesday hearing entitled "Building an Immigration System Worthy of American Values" chaired by Senator Coons.

Now that the Committee has completed its work on gun violence legislation, and now that we have conducted multiple hearings on the exigent need for a comprehensive fix to our broken immigration system, I had hoped that we would be able to turn to comprehensive immigration legislation and consider it through our normal Committee process. I regret that we do not have a legislative proposal before us.

Despite the fact that I have not scheduled a markup, you have decided to criticize me preemptively for something I have not done. In some ways your letter reminded me of the letter Republican Senators sent to President Obama threatening filibusters of his judicial nominees before he had sent a single nominee to the Senate. When the President did what the letter asked and consulted with home state Senators, Republicans nonetheless filibustered his first nominee despite the endorsement of his home state Republican Senator, then the most senior Republican in the Senate.

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Republican Senators have proceeded over the last four years to filibuster 30 of his judicial nominees, more than double the number filibustered during President Bush's eight years when he did not consult with home state Senators and sought to pack the courts with ideologues. It also reminds me of your criticism when I adopted the same timeline for considering the Supreme Court nomination of Justice Sotomayor that we had utilized for the consideration of Chief Justice Roberts.

As I have discussed with the ranking Republican, Senator Grassley, I anticipate a Judiciary Committee's process that is open and transparent. We consider legislative proposals in writing, in public proceedings that are widely attended, and in public view over our Committee website. But, again, it was not lost on me that despite the countless hours of public hearings and marathon sessions of public markups in multiple committees on the Affordable Care Act, that fact did not prevent claims that somehow it was not a transparent process. You raise that, again, in your recent letter.

I hope it is not your intention to discredit the process we undertake in the Judiciary Committee before we begin. As Chairman, I have been fair and protected the rights of all Members of the Committee, Republicans and Democrats, throughout my tenure. Others cannot say as much. I intend to proceed to comprehensive immigration reform with all deliberate speed. Under the Rules of our Committee, you will have your rights protected to hold over the legislation the first week it is listed on the Committee's agenda. After that, you will have the right to circulate and offer amendments. I hope and expect that you will not delay consideration simply to prevent the legislation from moving forward. Artificial delays, delays for delays' sake, has tainted too much of the Senate's work over the last few years. That obstruction has contributed to the historically low esteem in which Congress is held by the American people. I imagine you have seen the public reaction to your recent letter, including the post entitled "Senators Opposing Immigration Reform Want to Oppose it More Slowly; New 'Do Nothing' Caucus Signs Letter in Favor of Slowing Down Immigration Reform Process."

You, Senator Hatch, Senator Grassley and Senator Cornyn have been involved in these matters for years and were here during the multiple hearings, mark ups, and debates on legislation in 2006 and thereafter. After reviewing the record, I am reminded that our Committee held more than 40 hearings on these issues during the four Congresses that preceded this one and before the additional hearings we have already held this year. If any of the more junior Senators need more time to get up to speed, I will look forward to them discussing their specific readiness problems with me directly and I will do my best to work with them, as well.

I appreciate your frustration as someone excluded from the group that Senator McCain has pulled together to try to develop a bipartisan legislative proposal. Maybe that is why you copied him on the letter as well as the Senate Republican Leader. That is not a beef you have with me.

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I am encouraged by the recent recommendations in what is being called its "autopsy" of the last election, in which the Republican National Committee wrote that your party "must embrace and champion comprehensive immigration reform." I hope that you and other Republican Senators on the Committee will do so. I am encouraged that after two resounding presidential defeats, some Republican politicians are concerned enough about the growing Hispanic voting population that they are abandoning their former demagoguery and coming to the table. I welcome Republicans to this effort. I am glad that Senator McCain is once again interested in supporting comprehensive immigration reform. I still worry that too many congressional Republicans continue to oppose a straightforward pathway to citizenship, but that is a discussion we need to have out in the open, in front of the American people.

There is great interest in moving forward to fix our broken immigration system. The Executive Director of America's Voice Education Fund is right when he noted that we have been debating immigration reform for years and that some have been waiting 27 years since Congress last passed comprehensive immigration reform. The Nation will be watching and this pressing issue deserves our immediate attention. I hope that you will work diligently with me to see that we on the Committee do our part in a timely fashion.

Sincerely,



PATRICK LEAHY  
Chairman

cc: Hon. Charles E. Grassley  
Hon. Orrin G. Hatch  
Hon. John Cornyn  
Hon. Michael S. Lee  
Hon. Ted Cruz